

Notice of Allowability

Application No.

10/670,073

Applicant(s)

THORSON, JON

Examiner

Art Unit

Thomas S. Heard

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment, 10/4/2007.
2. ☒ The allowed claim(s) is/are 27 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION
EXAMINER'S AMENDMENT

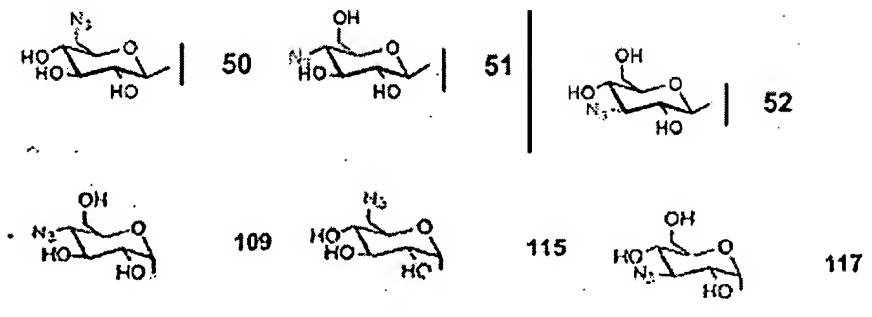
Authorization for this examiner's amendment was given in a telephone interview with Ann E. Rabe on 10/22/2007 to obtain a readable set of claims suitable for scanning.

The application has been amended as follows:

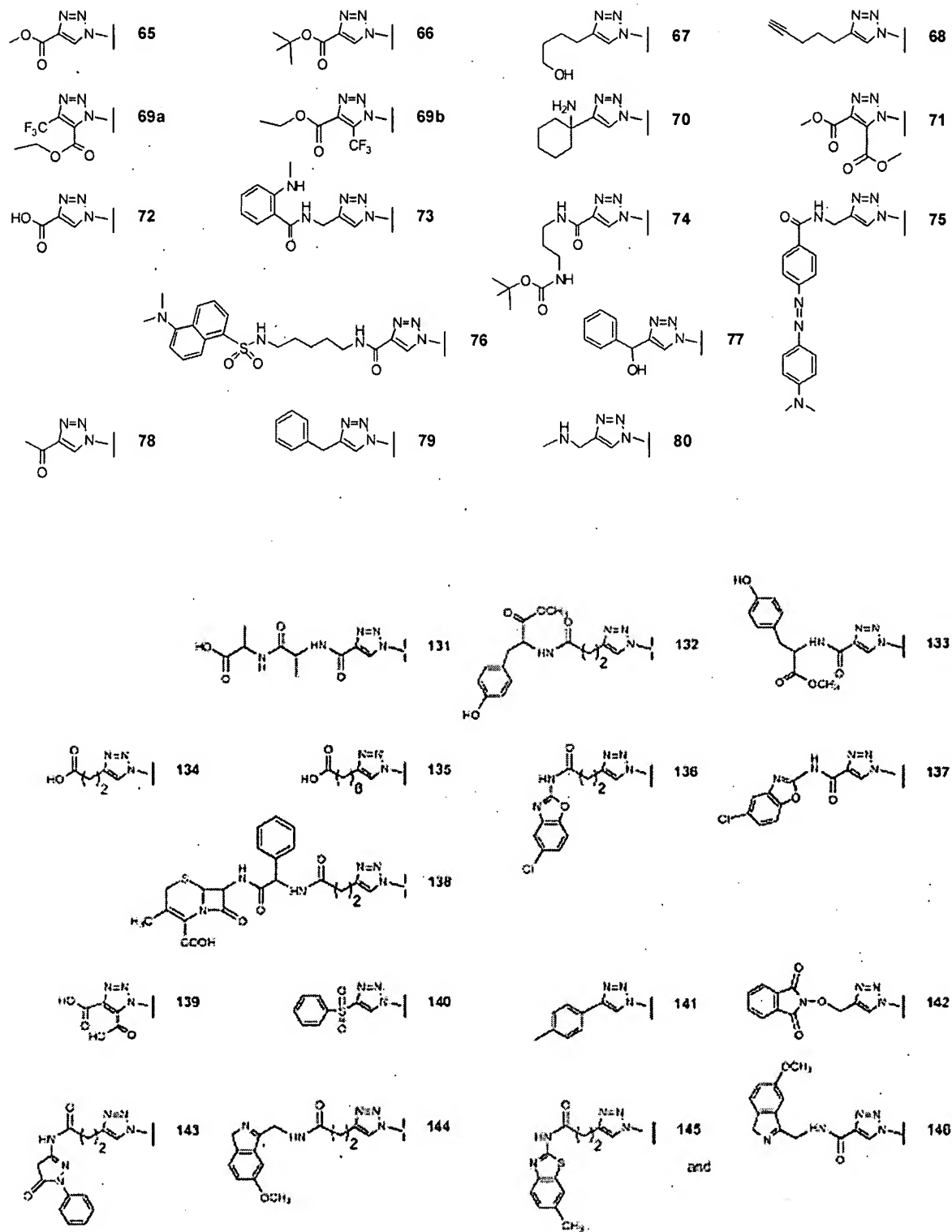
The Applicants electronic submission of the Claims on October 1, 2007 could not be properly scanned. A readable set of amended Claims submitted on October 1, 2007 appear as follows:

1.-26. (Cancelled)

27. (Currently amended) A method of producing a chemoselectively ligated vancomycin analog comprising incubating at least one glycosylated vancomycin comprising a glycosyl moiety selected from the group consisting of:



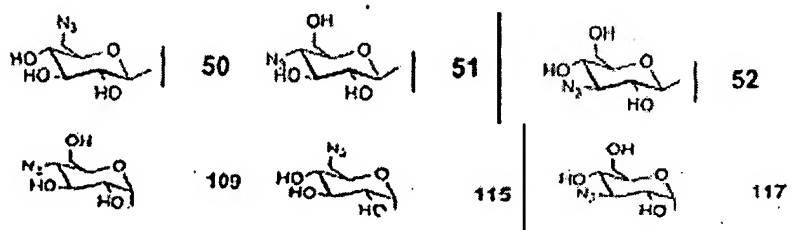
with a chemoselectively ligatable agent comprising an alkyne moiety, wherein the glycosyl moiety and chemoselectively ligatable agent react to provide a chemoselectively ligated vancomycin analog having a structure selected from the group consisting of:



wherein at least one chemoselectively ligated vancomycin analog is produced.

Art Unit: 1654

28. (Previously Presented) A method according to claim 27, further, wherein the glycosylated vancomycin is initially produced by incubating vancomycin and at least one thymidine or uridine nucleotide diphosphosugar comprising a sugar structure selected from the group consisting of:



in the presence of at least one first glycosyltransferase wherein the at least glycosylated vancomycin is produced.

29.-43. (Cancelled)

The following is an examiner's statement of reasons for allowance: The instant Application is drawn to a method of making chemoselectively ligatable vancomycin analogs. Closest prior art is that of 10/908,624, now US Patent 7,259,141, which is drawn to the compositions that the instantly claimed invention makes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Thomas S. Heard** whose telephone number is **(571) 272-2064**. The examiner can normally be reached on 9:00 a.m. to 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas S. Heard
United States Patent and Trade Office
Remsen 3B21
(571) 272-2064
Art Unit 1654



Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center 1600